

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

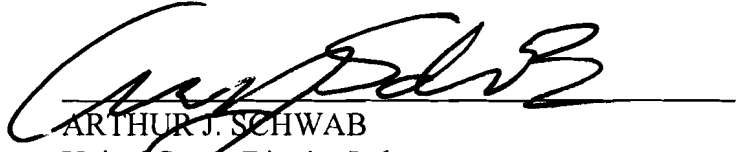
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|-----------------|---|-----------------------------------|
| JOHN E. FELGAR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No. 06-1450 |
| |) | |
| FRED D. HUMMEL, |) | Judge Arthur J. Schwab |
| |) | Magistrate Judge Amy Reynolds Hay |
| Defendant. |) | |

ORDER

AND NOW, this 11th day of December, 2006, after the plaintiff, John E. Felgar, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and objections having been filed by plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the complaint is before service, pursuant to the authority granted courts by the Prison Litigation Reform Act (PLRA) , for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



ARTHUR J. SCHWAB
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

John E. Felgar
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